



## STAFF REPORT

### Town of Wellesley – Planning Department

Application: LHR19-14 - Large House Review for 196 Pond Road

Subject Property: 196 Pond Road (PID# 195-1-E)

Zoning District: Single Residence District/40,000 Sq. Ft. Area Regulation District (SRD-40)  
Water Supply Protection District

Property Owner / Applicant: Owner: Ashley and Andrew Cole  
Applicant: Pond Rd LLC,

Date: January 31, 2020

Staff Contact: Don McCauley, Planning Director

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This application was originally described in a Staff Report dated November 29, 2019 and initially reviewed by the Planning Board at its meeting on December 2, 2019, which raised numerous concerns about the project's compliance with Large House Review standards. There were also many adverse comments from abutters at the December 2, 2019 meeting. Based on that review, the Applicant substantially revised its plans which were submitted to the Planning Department around January 15, 2020. These plans were distributed to the Planning Board for its January 22, 2020, meeting and are not included again with this report. Due to issues with public notice, the hearing scheduled for January 22 was continued until February 3, 2020. This report is based on the revised plans submitted January 15, 2020.

The project is also subject to Scenic Road Regulations. A public hearing on the Scenic Road Application on the Project is scheduled for March 4, 2020.

#### Application Overview

Submission Date: October 7, 2019

Action Deadline: February 4, 2020

Project Nature: New Construction

Existing TLAG: currently undeveloped

Proposed TLAG: 9422 sq. ft.

Lot area: 43,933 sq. ft.

#### Submitted Plans and Documents

1. Large House Review Application, dated September 17, 2019;
2. Project Narrative, prepared by Choo & Company, Inc., dated October 1, 2019; supplemented by Report prepared by Joe Hassel, a principal of the Applicant, entitled "194/196 Pond Rd. Large House Review 1/22/20 meeting";
3. Large House Review TLAG Affidavit, dated September 17, 2019;
4. Architectural Plans, prepared by Choo & Company, Inc., dated 01/09/2019 [sic]:
  - Proposed Floor Plans -A 1.0, A-1.1, A-1.2, A-1.3; and
  - Proposed Elevations - A-2.1, A-2.2, A-2.3, A-2.4;
5. Proposed Lighting Plan L-1.0 prepared by Choo & Company dated 01/13/2020;
6. Proposed Lighting Specs L-1.1 prepared by Choo & Company dated 10/01/2019;

7. 194 & 196 Pond Road Overall Illustrative Plan dated January 13, 2020, prepared by Zen Associates;
8. 196 Pond Road Landscape Plan dated January 13, 2020, prepared by Zen Associates;
9. 196 Pond Road Residential Site Plan dated October 4, 2019, revised 1/10/20 prepared by DGT Associates:
  - Title Sheet C-1;
  - Existing Conditions Plan C-2;
  - Overall Development Plan C-3;
  - Pavement, Layout & Materials Plan C-4;
  - Grading & Drainage Plan C-5;
  - Site Utilities Plan C-6;
  - Tree Protection and Mitigation Plan C-7;
  - Erosion and Sediment Control & Construction Management Plan C-8;
  - Erosion & Sediment Control Notes & Details C-9;
  - Site Details #1 C-10;
  - Site Details #2 C-11;
  - Site Details #3 C-12
  - Scenic Road Overlay SR-1; and
  - Scenic Road Modification Plan SR-2;
10. Proposed Sewage Disposal System dated January 10, 2020, prepared by DGT Associates:
  - Site Layout – BOH-1;
  - Details – BOH-2; and
  - Details – BOH-3;
11. Construction Management Plan 196 Pond Road Wellesley MA;
12. Stormwater Management Report Narrative and Summary for 194 & 196 Pond Road revised January 10, 2020; and
13. Stormwater Management Design and Runoff Calculations Report for 194 & 196 Pond Road dated October 4, 2019, revised January 10, 2020, prepared by DGT Associates.

### **Other Board/Departmental Reviews**

#### Design Review Board –

The Design Review Board has not yet reviewed the revised plans. It is scheduled to review them at its meeting on February 5, 2020. **Comments from DRB 2/5/2020 meeting have been incorporated into 194/196 Pond Rd. Projects and both have been approved**

The DRB reviewed the initial plans for the project at the DRB's November 13, 2019 meeting and by a letter dated November 18, 2019, the DRB advised the Planning Board of the following conditions:

- *A window should be added to the kitchen area of the right-side elevation to break up the mass*
- *The roof form of the right-side volume should be reconsidered for more effective massing if possible*
- *Exterior lighting should be Dark Sky compliant*
- *Regrading should be minimized to preserve existing trees and avoid dramatic grading changes*
- *Patio area should be raised above surrounding topography*
- *Consider relocation of the septic field*
- *Add additional trees for screening along property line*
- *Increase diversity among plantings*

Planning Department Staff for the Design Review Board has reviewed the revised plans in a memo dated 1/29/2020. Staff indicated most of the previous issues have been satisfactorily addressed, but raises concerns about increased lighting in the project and suggests additional architectural details be added to proposed elevations. A copy of this memo is attached. **New lighting plan has been produced with reduced lighting, dark sky compliant designed for minimal impact.**

Given the extensive changes to the project plans, it is necessary to wait for further review by the Design Review Board on the revised plans. **DRB approved plans on 2/5/2020 with additional comments that have been incorporated into plans.**

### Engineering Division

The Engineering Division submitted comments on the initial plans for the project in a memo from George Saraceno dated November 25, 2019. Engineering has reviewed the revised plans and provided further comments in a memo from George Saraceno dated January 23, 2020.

Engineering requests that certain additional details to be added to the plans, including cut and fill numbers, number or trailer dump loads, trucking routes, additional benchmarks, and town boundaries. **All requests have been addressed and BOH approval is in process.**

Engineering also requests that the applicant submit:

- Precautions to ensure there are no groundwater issues with the proposed deep basement;
- Additional information on the propane storage tank;
- tables in the Stormwater Hydrologic analysis showing peak flow rates and volumes for both the pre-development and post-development conditions during a 2 year, storm event; and
- Approval of the Septic System design from the Board of Health.

Engineering also requests that the applicant provide alternative LID designs for the sub-surface infiltration systems. **This has been added to plans**

### **Staff Comments**

Pond Road is a scenic road with extensive wooded areas along both sides of the road, including on developed lots along the road. In addition to Large House Review, a Scenic Road Hearing will be required involving both the Planning Board and the Natural Resources Commission. Such hearing is scheduled for March 4, 2020. **Moved to 3/16 we are not touching/distrupting/moving anything plants or structures in the scenic road layout. Driveway and utilities will be brought in within the same place to ensure minimal disturbance.**

The site is an approximately 41,000 sq. ft. lot in the 40,000-foot district, but the surrounding neighborhood consists of estate properties on substantially larger lots with homes set back from Pond Road. The location of the proposed house is significantly closer to Pond Road than neighboring homes. While the 500 Foot Rule may not technically apply due to the limited number of buildings on Pond Road, the spirit of the 500 Foot Rule should be observed in the siting of the homes.

**Zoning setback for this district is 40' with the new design we are almost double that distance at the structures closest point to the rd. (including our lot, scenic rd. Buffer and variable road width) and 2.5x at the furthest point of the structure. (see site plan for illustration/dimensions**

The Revised Plan preserves most of the trees in the Scenic Road Layout and in the front setback, which is a substantial improvement over the previous plans. It is still not clear, however, how visible the structure will be from Pond Road. If visible, the structure will create a substantial change in the Pond Road neighborhood and disrupt the wooded landscape that is the essence of the neighborhood.

We will be preserving **ALL** trees in the scenic Rd. Layout and adding many additional trees for added screening at the 5-6' (rhododendrons), 9-11' (white pine) and 15-25' (oak and maple) levels to ensure for maximum screening. The rhododendron and white pine plantings will provide year round screening as they endure the winter months.

Further review by the Design Review Board is required, particularly as to the massing of the structure relative to the site terrain and the resulting visual impact on Pond Road. **Both Homes have been approved by DRB as of 2/26/2020**

Exterior lighting has increased significantly. A photometric plan needs to be provided to assess the impact of the lighting. **New detailed lighting plan included. Changes have been made to use less impactful lighting at a reduced quantity. Should be noted that several of the homes on Pond Rd. Are lit up at night with far more impact then we are now proposing. All lighting is dark sky compliant and wherever possible recessed downlighting under roof structures were used. (front door, garage door, Rear door)**

The revised plans also address many previous comments from Engineering, but Engineering's remaining requests need to be addressed. Pond Road has limited public infrastructure and is not a major road so impacts of traffic and construction may be significant. Further assurance as to the availability of on-site parking for vehicles and equipment need to be addressed, including possibly requiring that this project and its accompanying project at 194 Pond Road be developed sequentially to enable adequate off-street parking. **Both 194 and 196 have significant room onsite for vehicle parking as well as onsite delivery (details in new CMP) at not time will there be parking on Pond Rd. Both lots have designated parking areas as well as the ability to park in overflow parking/stockpile areas, in addition both projects have access to a significant area next door at 200 Pond rd. If additional parking is needed. We do not anticipate needing this but have secured to alleviate concerns. The CMP plan has also been modified to show the anticipated number of cars that will be onsite during any given stage of the construction process.**

### **Large House Review Standards and Criteria for Review;**

Per Section 16D, *Large House Review, D., Procedure, 3., Review and Timing*, of the Zoning Bylaws, the Design Review Board shall evaluate Large House Review projects based on the following standards:

1. **Preservation of Landscape:** The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops, significant trees and landscaping, and historic features shall be saved or enhanced insofar as practicable.
2. **Scale of Buildings:** All new construction shall be sited and implemented in a manner that is consistent with the scale of other structures in its vicinity through the use of appropriate massing, screening, lighting and other architectural techniques such as variation in detail, form and siting. Consideration shall be given to the need for vegetated buffers. To the extent practicable this shall be based on the "Intent, Policy and Recommendations" specified in Part II. Design Criteria of the "Design Guidelines Handbook" adopted by the Design Review Board and otherwise applying good architectural and aesthetic principles. Structures shall be arranged insofar as practicable to avoid casting shadows onto abutting property.
3. **Lighting:** Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.

4. Open Space: Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. To the extent practicable this shall be based on the “Intent, Policy and Recommendations” specified in Part II. Design Criteria of the “Design Guidelines Handbook” adopted by the Design Review Board.
5. Drainage: The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes to groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and so that the rate of runoff shall not be increased at the project boundaries.
6. Circulation: Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

### **Staff’s Recommended Findings/Conditions for Board Consideration**

The revised plans represent significant changes to the project which substantially improve its potential compliance with the Large House Review standards. Staff believes the project requires further information before making such determination. In particular:

- The project’s ability to satisfy the Standards and Criteria for Scale of Buildings requires further information on the potential visual impact on Pond Road since it is not sited in the manner of neighboring buildings; **Scale/massing approved by DRB. Extra screening added, homes are 2x+ zoning setbacks from the street (average distance)**
- The project’s ability to satisfy the Standards and Criteria for Lighting requires further information on fixtures and a photometric plan; **included in submission**
- The project’s ability to satisfy the Standards and Criteria for Open Space requires simulation of the visibility of the structure to determine if it detracts from the visual amenities of the neighborhood, particularly along a scenic road; and **included in submission**
- The project’s ability to satisfy the Standards and Criteria for Drainage have been satisfied requires additional information requested by the Town Engineering Department. **included in submission**

Therefore Staff does not yet recommend approval of the application.

Should the Board consider approving the application, Staff recommends consideration of the following findings (in order to give guidance to the applicant and the Planning Department in the consideration of revisions) and conditions (in order to ensure that the project satisfies the LHR Standards for Review and complies with the approved plans and documents listed below):

#### Findings

1. The preservation of existing vegetation is critical to the character of the neighborhood; **All scenic road plantings and vegetation is preserved and as many of front plantings as possible**
2. Minimizing the visual impact of the structures is critical to the character of the neighborhood;
3. **siting homes as far back as possible combined with added screening**
4. Maintaining the passability and condition of Pond Road during and after construction is essential; and **CMP is designed to minimize impact and not to park or disturb Pond. Rd.**
5. Any other changes to the approved plans will be subject to the discretion of the Planning Director per SECTION 16D “Large House Review,” D “Procedure,” 6 “Revision and Amendment of Plans,” b “Previously Approved LHR Applications.”

#### Conditions

1. The designs be modified to incorporate the recommendations of the Design Review Board. **Done**
2. All trees within a designated distance from the Scenic Road Right of Way shall be preserved, **Done** except as required for access to the property.
3. Any upward facing lights shall not illuminate any areas higher than first floor of the house and no lights, except a driveway post light shall be situated to shine through to Pond Road. **We do not have upward lights. Photometric plan shows very minimal impact from lighting and driveway poles are recessed off of Pond to further minimize impact. Note that the other homes in the area have extremely bright lights on the homes and at the entry point (pictures attached to lighting plans)**
- 4.
5. Engineering shall confirm that the project shall not increase runoff at the project's site boundaries.
6. **Will be done**
7. Any temporary dewatering must be approved by the Town Engineer.
8. **Will be done**
9. The plans shall be modified to include additional information required by Engineering in its January 23, 2020 memorandum to the Planning Director.
10. **Will be done**
11. Large House Review approval does not relieve the project of complying with other sections of the Town Bylaws and Zoning Bylaws, particularly with respect to Septic Systems, Fuel Tanks, Scenic Roads, Water Protection District, and retaining walls.

**General Conditions**

1. The applicant shall record this Approval Agreement at the Norfolk County Registry of Deeds and provide evidence of recording to the Planning Director and Building Inspector prior to the issuance of a Building Permit. **Agree**
- 2.
3. All construction activities shall comply with the submitted application materials, listed above, except where revisions are necessary to comply with required conditions. Where revisions are necessary, the applicant shall present them to the Planning Director per Part D of Section 16D of the Zoning Bylaw. **Agree**
- 4.
5. This Approval Agreement shall not relieve the applicant of complying with all other applicable laws, bylaws, and regulations. **Agree**
6. In perpetuity, prior to December 31st of each year, an annual report regarding the operation and maintenance of the subsurface infiltration system shall be submitted to the Town Engineer and the Planning Director. The annual report shall be prepared by the property owner or a drainage professional, and summarize inspection and maintenance activities, review the performance of infiltration systems, and provide recommendations for repair or remedial measures required to maintain the performance of the system. **Agree**
- 7.

**Conditions to Be Met Prior to the Issuance of a Demolition Permit and/or Building Permit**

8. Prior to applying for a Building Permit, the applicant shall submit two (2) full-size revised plan sets and one (1) digital set to the Planning Department. **Agree**
- 9.

10. Prior to the issuance of a Building Permit, Planning Department Staff shall review and certify that the plans submitted to the Building Department for permits are substantially consistent with those approved under the LHR Decision or Section 16D of the Zoning Bylaw. **Agree**
- 11.
12. Prior to the issuance of a Building Permit, the applicant shall obtain approval from the Department of Public Works - Engineering Division and Police Department, to be verified by the Planning Department staff, of a construction management plan which includes estimates of the amount of material to be removed, vehicle access to and from the site, times of day and anticipated routes, anticipated delivery and removal times, phasing of construction, material storage and stockpiling, and concrete truck washdown area(s). **Agree**
- 13.
14. Prior to the issuance of a Building Permit the applicant shall submit to the Police Department and Planning Department the contact information of the owner, project manager, site supervisor and other individuals having supervisory responsibilities of the job site. **Agree**
- 15.

**Conditions to Be Met During Demolition and/or Construction**

16. All construction activities, including the parking, storage, and delivery of all trailers, machinery, equipment, and materials, but not including personal vehicles, shall be confined to the subject property. The parking of personal vehicles within the right-of-way shall comply with Town Bylaws, but all efforts should be made to reduce the number of personal vehicles in the right-of-way. **Agree**
- 17.
18. While the Building Permit is active, the frontage of 196 Pond Road shall be swept and cleaned of debris as needed to maintain the existing condition of the public way. **Agree**
- 19.
20. During the course of construction, the Planning Director and the staff of the Planning Department shall have access to the project site with reasonable notice and permission granted by the owner or owner's representative. **Agree**
- 21.

**Conditions to Be Met Prior to the Issuance of a Certificate of Occupancy**

22. Prior to the issuance of a Certificate of Occupancy or approval of Final Inspection by the Building Department, Planning Department Staff shall review and certify that the project has been executed consistent with the plans listed above, or as modified and approved by the Planning Director per Section 16D of the Zoning Bylaw. The Planning Director, at his/her discretion, may authorize the issuance of a Temporary Certificate of Occupancy if certain aspects of the approved plans or associated required conditions are not yet completed, and may accept the deposit of a sufficient surety to ensure compliance. **Agree**
- 23.
24. Prior to the issuance of a Certificate of Occupancy by the Building Department, DPW-Engineering Staff shall review and certify that the project has been executed consistent with the plans listed above, or as modified and approved by the Planning Director or Board per Section 16D of the Zoning Bylaw. Review and certification shall include establishing the geographic location of installed storm water structures by Engineering Division Staff and/or the submittal of acceptable as-built documentation, at the discretion of the Town Engineer. **Agree**
- 25.